

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the matter of:

The Use of N11 Codes and Other
Abbreviated Dialing Arrangements

CC Docket No. 92-105

**COMMENTS OF THE CALIFORNIA PUBLIC UTILITIES
COMMISSION AND OF THE PEOPLE OF THE STATE OF CALIFORNIA**

The California Public Utilities Commission and the People of the State of California (CPUC or California) submit these comments in response to the Notice of Proposed Rulemaking (NPRM) issued by the Federal Communications Commission (Commission or FCC) on May 14, 2004.¹ In the *NPRM*, the FCC seeks comment “on various abbreviated dialing arrangements [footnote omitted] that could be used by state ‘One Call’ notification systems [footnote omitted] in compliance with the Pipeline Safety Improvement Act of 2002 (the Pipeline Safety Act)”.² California will comment here on only a few issues raised in the *NRPM*.

¹ FCC 04-111, *Notice of Proposed Rulemaking*, CC Docket 92-105, Released: May 14, 2004.

² *NPRM*, ¶ 1.

I. USE OF N11

The FCC seeks comment on using an N11 code for access to One Call Centers, and specifically, seeks “comment on which N11 code should be assigned for this purpose”.³ The CPUC concurs with the conclusion of the North American Numbering Council in its report to the FCC.⁴ The characterization of the NANC’s recommendation set forth in the *NPRM* is not entirely accurate.⁵ Indeed, the chair of the NANC sent a letter to the FCC immediately subsequent to the *NPRM*’s issuance to clarify the NANC’s recommendation.⁶ The letter clarified the recommendation as follows.

NANC wishes to make it clear that the quickest, least expensive and most effective way to provide nationwide, toll-free access to One-Call Centers would be through a nationwide **ten**-digit mnemonic toll-free telephone number. However, because the Pipeline Safety Act specifies a **three**-digit toll-free telephone number, this best solution would not comply with the statute.

... Therefore, at its May 18, 2004 meeting NANC members reiterated that the **best** solution would be for Congress to amend the Pipeline Safety Act to require a ten-digit number in lieu of the currently specified three-digit number. NANC’s “recommended solution” of utilizing 811 is a distant second best solution necessitated by the specificity of the statute. NANC therefore recommends that the Congress should amend the statute so that its laudable statutory goal can be achieved quickly, inexpensively and without unnecessarily using scarce numbering resources.

³ *Id.*, ¶ 9.

⁴ See Report and Recommendation of the Abbreviated Dialing for One Call Notification Issue Management Group, dated October 29, 2003 (DIG IMG Report).

⁵ *Id.*, ¶ 6.

⁶ See Letter from Robert Atkinson to William Maher, Chief, Wireline Competition Bureau, dated May 27, 2004.

A California delegate participated on the NANC's Issues Management Group (IMG), which developed the recommendation that the NANC ultimately adopted and forwarded to the FCC. The CPUC agrees fully with the recommendation.

Three-digit abbreviated dialing patterns are extremely scarce. Only three N11 combinations remain unassigned nationally – 411, 611, and 811. As the Commission notes, 411, 611, and 811, are used regionally for, and identified with, directory assistance service, telephone repair service, and carrier business office access, respectively. The purposes to which the FCC has assigned the other N11 combinations are widely used by very large numbers of people. Some have been in use a shorter period than others, and may not have built a large base of consumer use. But the purposes to which these numbers have been assigned – such as access to traffic information (511), access to the telecommunications Relay Service (711), or access to emergency services (911) have broad public usefulness and appeal.

In contrast, the purpose to which the FCC proposes to assign 811 would be to reduce “the incidence of damage to underground facilities during excavation”. While a laudable goal, the number of excavators who would be using the 811 designation to reach One Call Centers has to constitute less than ten percent of the population of the United States. Perhaps the figure would be under one percent. It certainly would not be a service universally employed by millions of Americans on a daily basis. For that reason, dedication of an N11 abbreviated dialing pattern would be wildly out of proportion to the problem being solved. Dedicating 811 to the One Call Centers also would eliminate the

possibility of using that designation for some other broader purpose, such as weather information or information on Homeland Security alerts.

Finally, dedicating 811 to the One-Call Centers will be expensive and time-consuming. Switches nationwide must be programmed to recognize and translate the three-digit number into a seven-, ten- or eleven-digit number to route the calls to the correct destination. Many states today have a ten-digit mnemonic toll-free number that excavators can call to obtain information prior to beginning a dig. The FCC notes the NANC's recommendation the "each One-Call Center provide a toll-free number, which can be an 8YY number or any number that is not an intraLATA toll call from the area to be served". In essence, the toll-free numbers dedicated to this purpose in many states would serve as the number used to translate an N11 number for routing purposes. Those toll-free numbers, therefore, would remain in use, and many callers undoubtedly will continue to call those numbers directly, instead of employing the 3-digit abbreviated dialing pattern. The effect of putting the three-digit number in the mix would be to add a layer onto the routing sequence which will increase costs and implementation time.⁷ It would be much easier, less expensive, and more efficient simply to use the existing toll-free numbers and not implement the N11 number. In those states where such toll-free numbers do not already exist, they can be implemented quickly. Indeed, they will have

⁷California also believes that if the existing 800 numbers used to access One Call Centers remain in use for translation and routing purposes, they will continue to be dialed directly as well. In many states, these numbers have been widely advertised, and excavators are well aware of them, and will continue to use those numbers rather than switch to the unknown N11 designation. This raises another cost of implementing the 811 proposal – consumer education. Alerting excavators to the existence of 811 as the number to access One Call Centers would require dissemination of information to the target audience, at some expense to someone. The FCC does not address the consumer education aspect of this proposal in the *NPRM*.

to be identified as part of the implementation process for the N11 solution required by the Pipeline Safety Act.

California urges the FCC to approach Congress to seek an amendment to the Pipeline Safety Act, as the NANC recommended.

II. USE OF 311

The NANC declined to recommend use of 311 as an alternative to 811. The CPUC disagrees with the NANC's conclusion on this point.

The 311 abbreviated dialing pattern currently is dedicated to non-emergency services. To employ 311 for the One Call Centers would require that 311 be programmed with a voicemail option that would offer the caller a menu choice for “dig” information. It appeared to California that the primary objection voiced at the NANC to using 311 was that the advocates of the N11 option involved in drafting the Pipeline Safety Act opposed the voicemail option as “confusing” to callers.⁸ It is also true that the discussion at the NANC included mention of some technical issues, but it appeared to California that those technical considerations were minors and could be easily resolved.

That leaves the concern that the 311 option would be less user-friendly. California submits that this concern likely is overstated, and can be overcome with customer education.⁹ The CPUC also notes that today's consumers are very, very familiar with voicemail menu choices. Americans encounter voicemail menus in every aspect of daily

⁸ The FCC ascribes the NANC's rejection of an alternative N11 proposal to a potential to “cause caller confusion, calls to be misrouted, and deployment delay”. *NPRM*, ¶ 10, fn. 31.

⁹ The CPUC recognizes that the need for customer education identified previously would apply to implementation of any

life, whether calling a movie theatre for start times, calling a credit card company for payment and balance information, calling an insurance carrier to discuss changes to a policy, or calling a medical office to schedule an appointment. Given the widespread use of voicemail menus by businesses and service providers, it is difficult for California to fathom just how hard it would be for an excavator to call 311 and wait for a prompt to “select 4 for dig information”.

On the other side of the equation is the fact that 311 already is assigned to non-emergency services, and the inclusion of dig information in that category is both logical and reasonable. In addition, adding dig information to the menu of options available by dialing 311 would allow for broader use of 311. In other words, using 311 for access to One Call Centers would be more efficient than dedicating an entirely new N11 option to that purpose. Consequently, if the FCC determines not to approach Congress to revise the Pipeline Safety Act to accommodate a toll-free 800-type number for access to the One Call Centers, the CPUC recommends that the Commission consider use of 311 coupled with a voicemail menu choice as the reasonable second choice in lieu of assigning 811 for this purpose.

III. USE OF 344

California opposes the use of 344 as the abbreviated dialing pattern to reach the One Call Centers. Use of 344 would be extremely complicated and expensive to implement. The prefix 344 is working and in use in many, many area codes throughout

N11 option. Use of 311 in lieu of 811 would require additional education to explain the voicemail menu choice.

the United States. Designating 344 as an N11 to reach One Call Centers would require that *each customer* with an existing 344 prefix would need to be reassigned to another prefix, either an existing one or a new one that currently is not in use. It is probable that hundreds of new prefixes would have to be assigned nationally to accommodate designation of 344 as an abbreviated dialing pattern. This is an extremely inefficient use of numbering resources and would *needlessly* push the North American Numbering Plan substantially closer to exhaustion. Aside from the expense, the effort would be enormously disruptive and inconvenient to millions of customers, both residential and business, across the country. Using 344 would be a very poor solution and California urges the FCC to pursue one of the other two alternatives addressed in these comments.

IV. IMPLEMENTATION TIMEFRAME AND DELEGATION OF AUTHORITY TO THE STATES

The FCC seeks comment on whether “timeframes for implementation [of the appropriate solution] should be uniform or based on local conditions”.¹⁰ California supports the latter proposal, i.e., that the FCC allow some flexibility in the implementation timeframe so as to accommodate local conditions. In the CPUC’s view, timing for implementation is directly tied to two factors: 1) which option the FCC chooses as the means of access to One Call Centers, and 2) whether authority is delegated “to the states to establish the timeframe for implementation”.¹¹ As stated previously in these comments, the CPUC believes that implementation of an 800-type number would

¹⁰ *NPRM*, ¶ 25.

¹¹ *Id.*

be quicker and easier, and likely could be accomplished in six months to a one year. An N11 option will require more time and effort. California concurs that it may well take a two-year implementation period to implement an N11 solution.

At the same time, the length of the implementation period will be influenced by the need to resolve issues which will arise at the local or intrastate level. Abbreviated dialing arrangements are implemented in part via contractual arrangements between carriers and governmental entities. Those contracts are negotiated on an intrastate basis, and require state oversight as well as the ability for states to resolve issues arising in the negotiation process. The CPUC urges the FCC to delegate authority to state commissions to establish the timeframe for implementation and to resolve disputes. Finally, the CPUC would be willing to host industry workshops, as we have done in the past on other matters as a means to identify and address key issues.

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V. CONCLUSION

The CPUC urges the FCC to seek an amendment to the Pipeline Safety Act to allow for use of a toll-free 800-type number to provide access to the One Call Centers. In lieu of that option, California recommends use of 311 coupled with a voicemail menu option to reach the One Call Centers. The CPUC strongly opposes assigning 811 to this purpose because it would be inefficient, expensive, time-consuming to implement, and wasteful. California also strongly opposes use of 344 for this purpose.

Respectfully submitted,

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